

Notice of Allowability

Application No.

10/750,705

Examiner

Jonathan Ouellette

Applicant(s)

SIEGEL, PHILIP S.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 19 June 2007 and 27 July 2007.
2. ☒ The allowed claim(s) is/are 1-3 and 5-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Request for Continued Examination

1. The Request filed on 7/24/2007 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 10/750,705 is acceptable and a RCE has been established. An action on the RCE follows.

Response to Amendment

2. Claim 4 has been cancelled; therefore Claims 1-3 and 5-23 are currently pending in application 10/750,705.

Claim Rejections - 35 USC § 102

3. The rejection of Claims 1-3, 5-10, 13, 15, 16, and 18-23 under 35 U.S.C. 102(e) as being anticipated by Drattell (US 2001/0032141 A1) is withdrawn due to Applicant's amendments.

Claim Rejections - 35 USC § 103

4. The rejection of Claims 11, 12, and 14 under 35 U.S.C. 103(a) as being unpatentable over Drattell in view of Roman et al. (US 2002/0010634 A1) is withdrawn due to Applicant's amendments.
5. The rejection of Claim 17 under 35 U.S.C. 103(a) as being unpatentable over Drattell in view of Schwab et al. (US 2002/0019777 A1) is withdrawn due to Applicant's amendments.

Allowable Subject Matter

6. **Claims 1-3 and 5-23 are allowed.**
7. The following is an examiner's statement of reasons for allowance:
8. As per **independent Claims 1, 20, and 22**, the prior art fails to teach or disclose a method (system, computer product) for processing returned items of merchandise (Abstract, outsourced return center), comprising the steps of: **dispatching a local return agent to a location identified by a consumer associated with an item for return, the location remote from any return center, the local return agent comprising a shipping agent**; providing returns guidelines to the local return agent over a communication link, the returns guidelines for use by the local return agent in making a determination at the location remote from any return center as to the eligibility of an item for return, the local return agent authorized to make the determination on behalf of a merchant.
9. **Drattell (US 2001/0032141 A1)** discloses a method (system, computer product) for processing returned items of merchandise (Abstract, outsourced return center), comprising the steps of: providing returns guidelines to the local return agent over a communication link (Para 0022, central system link), the returns guidelines for use by the local return agent in making a determination at the location remote from any return center (the TRC is remote from *any manufacturer/e-retailer return center*) as to the eligibility of an item for return (Fig.3, Para 0022, central system provides TRC locations with high-level of intelligence to manage efficiently the returns for each retailer thus allowing TRC to ensure compliance with retailer's return policy – high-level intelligence equivalent to returns guidelines as used by TRC), the local return agent authorized to make the determination on behalf of a merchant

(Para 0014, TRC contracts with e-retailers to process returns – contract is equivalent to official authorization to handle returns); receiving an item remotely determined to be eligible for return (Para 0017, determined by customer using retailer's published policies) at the return center (Para 0016); accessing one or more return rules of the merchant associated with the item (Para 0022, system provides retailer return policy information); and processing the return in accordance with the return rules (Para 0010, Para 0016, returns merchandise to retailer or manufacturer as directed).

10. **Roman et al. (US 2002/0010634 A1)** discloses a system for processing returns and disposing of the returns using an Internet auction web site (Para 0024); a system for processing returns and disposing of the returns using an Internet auction web site (Para 0024), and then shipping the item to the "e-Buyer" (Para 0025, Phase 8 and 9); and a third-party system for processing returns, which receives the returns from the customer via a carrier (Para 0019-0020, US Postal Service).
11. **Schwab et al. (US 2002/0019777 A1)** discloses a third party returns processing system which bundles all returns dedicated to a specific merchant (Para 0050).
12. However, Drattell, Roman, all Schwab (together or individually) all fails to teach or disclose dispatching a local return agent to a location identified by a consumer associated with an item for return, the location remote from any return center, the local return agent comprising a shipping agent; providing the return agent/shipping agent with return guidelines over a communications link, wherein the guidelines are used by the dispatched agent to determine return eligibility.

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13. The remaining dependent Claims 2, 3, 4-19, 21, and 23 are considered allowable, as they are dependent and based off of an allowable independent claim.
14. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

15. The following non-patent literature is cited to show the best non-patent literature prior art found by the examiner:

Petersen, Scot, "Online purchases: Easy to get, hard to return." PC Week, February 14, 2000.


Petersen discloses an automated reserve logistics/auction system by Return Exchange.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (703) 872-9306 for all official communications.

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18. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

August 5, 2007


JONATHAN OUELLETTE
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600